

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEFFREY D. LEISER,

PLAINTIFF,

vs.

CASE No. 18CV277

Dr. KARL HOFFMAN, et al.,

DEFENDANTS'

U.S.C.A. - 7th Circuit
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NOTICE OF APPEAL

Now comes Plaintiff Leiser proceeding pro se hereby gives notice of appeal from the denial/dismissal by Magistrate Judge Stephne L. Crocker, dated September 8 2020 granting the defendants Summary Judgment, on the basis of weighing the defendants credibility, weighing the evidence, and dualing declarations by finding disputed facts. Yet denying plaintiff's constitutional right to have a jury find, determine credibility. A denial of cruel & unusual punishment, infliction of pain and suffering by leaving Leiser suffer in needless pain for months.

"[T]he Eighth Amendment, as the Supreme Court has interpreted it, protects prisoners from conditions that cause the wanton and unnecessary infliction of pain, includes ... gross inadequate medical care." Gabb v. Wexford Health Source, Inc. 944 F. 3d 1027, 1033 (7th Cir 2019)(quoting Pyles v. Fahim, 771 F. 3d 403, 408 (7th Cir. 2014 (internal quotations omitted) Id Lee v. Manlove 2020 WL 9985442.

Defendants left Leiser suffer in needless pain is deliberate indifference when the officials do nothing. See Flaggs v. Dawson, 829 F. 3d 895, 903 (7th Cir. 2016)


Judge Crocker's opinion and Order (Dkt 52) violates the Supreme Court holding of Estelle v. Gamble 429 U.S 97 (1976) and Petties v. Carter, 836 F. 3d 722, 730-31 (7th Cir. 2016)(delays lacking in a legitimate penological interest that

unnecessarily prolong pain can support deliberate indifference.)

Plaintiff request this Honorable Court to allow him to appeal Crocker's decision.

Dated this 28th day of September 2020.

Respectfully Submitted,


Jeffrey D. Leiser
Pro se Plaintiff.

C: File